

IDS RESEARCH SUMMARY

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Changing Turkey's Laws to Improve Women's Rights

A concerted campaign by women's and lesbian, gay, bisexual and transgender (LGBT) organisations succeeded in achieving a revolutionary change in the philosophy and content of the Turkish Penal Code on issues of gender and sexuality. The new Code allows women greater sexual and bodily autonomy, for example by criminalising marital rape, and prompted a groundbreaking shift in public and social attitudes. This Research Summary shows how the campaigners successfully achieved thirty five progressive amendments to the new code despite the opposition of the ruling religious conservative government.

In September 2004, a draft law to reform the Turkish Penal Code was accepted by the Turkish Parliament. Because of a successful three-year campaign the new Code overturned the notion that women's bodies and sexuality are commodities owned by men and society, and that sexual offences should be regulated by patriarchal constructs such as 'chastity', and 'honour', and replaced it with legal recognition of women's ownership of their sexuality and bodies.

Under the new Code:

- Sexual offences were classified as 'crimes against the individual' instead of the previous classification of 'crimes against moral customs and society'
- All references to constructs such as 'morality', 'chastity' or 'honour' were removed from the code
- Sexual assault and rape were defined as any attack on the 'sexual inviolability' of the individual
- Marital rape was criminalised
- Suspensions or sentence reductions

given to rapists and abductors who married the victim were removed

- Legal provisions discriminating between married, unmarried, virgin, non-virgin women in sentencing abductors or rapists were removed.

The campaign also generated the widest public discussion on women's sexuality since the foundation of the Turkish Republic, and is widely recognised as a leading example of successful advocacy and campaigning.

Emergence of a new feminist movement

Since 1980, Turkey's transition to a free market economy, its growing integration into the global economy, and various political and cultural conflicts, all contributed to the weakening of state control and the rise and development of an autonomous civil society. During the 1980s a new feminist movement brought the issue of women's human rights violations in the private sphere to public attention for the first time, including issues such as domestic

violence, sexual abuse in the family and the rights of sex workers. Turkey's official acceptance as a candidate for EU accession in 1999 contributed to a favourable climate for reform.

In 2000-2001 women's organisations took advantage of these opportunities to launch a successful campaign for gender equality in Turkey's civil code. The success of this campaign, which advocated full gender equality within the family, inspired Women for Women's Human Rights (WWHR), a women's Non-Governmental Organisation (NGO), to set up a women's working group with academics and activists from all regions of Turkey to start a campaign for the reform of the Turkish Penal Code. However, progress on gender issues was constrained by the unprecedented election in 2002 of a right wing religious conservative party to power, the Justice and Development party (AKP).

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“ It is possible to achieve progress on contentious and previously neglected issues, even in a politically hostile climate ”

As the new AKP government refused even to meet representatives of the Women's Working Group for the Reform of the Turkish Penal Code the group decided to broaden its efforts by setting up a wider national platform with other NGOs, and launching a public campaign. The platform included a diverse coalition of women's and lesbian, gay, bisexual and transsexual (LGBT) organisations.

Generating media and public pressure

As the campaigners had no allies in the AKP government they initially felt there was little hope of success. But the campaign's intensive and effective media and public awareness campaign succeeded in triggering numerous, wide-ranging public debates and made frequent headlines. Eventually, the huge public and media pressure generated by the campaign forced the AKP to acknowledge the women's demands. In September 2004 the new Penal Code was accepted by the Turkish parliament as women marched in front of the building chanting: 'Our bodies and sexuality belong to ourselves!'

Other factors contributing to the campaign's success included:

- Effective framing: from the outset the women's movement insisted on framing the campaign within a national framework, led by national actors which thwarted any potential arguments by the religious right that the platform's demands were influenced by Western values or were incompatible with so-called Turkish culture
- The proactive nature of the campaign, and the agile way the movement took advantage of the EU's succession process to launch its campaign
- The movement's determination to keep

campaigning despite the political setback when the AKP was elected to government

- An effective mix of influencing tools including sustained democratic bargaining, awareness raising and efforts to gain public and media support
- The activist's holistic approach to reform and refusal to bargain on specific articles
- Rigorous analysis and detailed word-by-word proposals drawing on the technical expertise of academics and lawyers in the Women's Working Group for the Reform of the Turkish Penal Code
- Professional lobbying and campaigning which drew on the experience and synergy of the Civil Code Campaign and involved meticulous coordination and day to day follow up of political developments
- Effective alliance building through the establishment of a broad coalition within the country, a solidarity network of academics and NGOs in other Muslim societies, as well as strategic use of allies in the UN and EU to increase the movement's legitimacy with the government.

Insights

The case study demonstrates that change is possible even on contentious issues that are opposed by the ruling government, and which were not previously on the public agenda. It also shows the vital role media and public pressure can play in winning change, particularly when a campaign lacks government allies. The case study also reveals how domestic coalitions can use international frameworks to add legitimacy to their claims.

Credits

This Research Summary was written by Ruth Mayne, Independent Consultant and is based on a study by Pinar Ilkcaracan, the Founding President of Women for Women's Human Rights, Turkey.

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